



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE
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September 24, 2004 Board Meeting Minutes

Commissioner's Present:

Commissioner Hammonds
Commissioner Smith
Chairman Wiggins
Commissioner Rodriguez
Commissioner Todd (via Phone)
Commissioner Walker
Commissioner Jones (via Phone)
Commissioner Hodge (via Phone)
Commissioner Hakeem (via Phone)
Commissioner Edna Loveday-Rogers (via Phone)

Commissioner's Absent:

Commissioner Garrett
Commissioner Pride
Commissioner Kyles
Commissioner Horne
Commissioner Lewis

Staff Present:

Amber D. Gooding, Executive Director
Antonio Adams, Deputy Director
Scott Mayer, General Counsel
Shay Rose, Assistant Counsel
Patricia Ladd, Legal Assistant
Robert Bright, Housing Coordinator
Cynthia Howard, Communications Officer
Lisa Lancaster, Director's Assistant

Guests:

Maureen Abbey, Director OBF
Carly Hammonds

Call to Order

Chairman Wiggins called the meeting to order at 9:06 a.m. Commissioner Smith offered the invocation. Roll call was taken.

Chairman Wiggins announced to the Board that it appeared that in the absence of a physical quorum, it was necessary to allow members to appear telephonically in order to vote on Committees, Officers, and reappoint the Executive Director. A letter of necessity from the Executive Director was to be forwarded to the Secretary of State notifying them of a meeting with no physical quorum at the Annual Meeting. The Board was in agreement.

Minutes of Previous Meeting

Minutes of the May 21, 2004 were reviewed and Commissioner Smith made a motion to accept, which was seconded by Commissioner Hakeem. A vote was taken and passed.

Announcements

Director Gooding introduced the new Legal Assistant, Pat Ladd. She was welcomed by the Board.

Nominating Committee Report

Commissioner Robin Smith gave an overview of the Nominating Committee and announced their recommendations. Chairman, Spencer Wiggins; West Division Vice Chair, Robert Earl Jones; East Division Vice Chair, Patricia Hammonds; Middle Division Vice Chair; Stacey Garrett. Commissioner Hakeem requested that nominations be closed and Commissioner Smith made a motion to accept the report as read which was seconded by Commissioner Hakeem. Roll call vote was taken: Hammonds-Yes, Smith-Yes, Rodriguez-Yes, Hakeem-Yes, Hodge-Yes, Todd-Yes, Jones-Yes, Wiggins-Yes.

The committee unanimously approved the reappointment of Executive Director Amber Gooding for another term. Commissioner Hakeem made a motion to accept the committee's recommendation. A roll call vote was taken: Hakeem-Yes, Hammonds-Yes, Hodge-Yes, Jones-Yes, Rodriguez-Yes, Smith-Yes, Todd-Yes, Wiggins-Yes.

Committee Assignments

Chairman Wiggins read the committee assignments. They are as follows:

Law and Legislation: Chair, Stacey Garrett (Middle); Brad Hodge (East); Yusuf Hakeem (East); Arthur Horne (West); Nathan Pride (West).

Education and Outreach: Chair, Robin Smith (East); Samuel Kyles (West); Patricia Hammonds (East); Joseph Walker (Middle); Gregory Rodriguez (Middle).

Budget and Audit: Chair, Yusuf Hakeem (East); Jeanie Todd (West); Edna Rogers (East); Gregory Lewis (Middle); Robert Jones (West).

Commission Initiatives

General Counsel, Scott Mayer, outlined three available options for the Commission to hear contested cases. (Memorandum attached). (1) Having an ALJ from the Secretary of State's office hear cases alone, with cases then being appealable to the Commission. This is the process that is currently used. (2) Having individual Commissioners hear cases as hearing examiners. The drawback to this option is the Commissioners would have to be trained as ALJs/hearing examiners. (3) Having an ALJ sit with a Commissioner or panel of Commissioners. The Commissioners would sit as a jury in this process.

After some discussion it was realized that more research was necessary. Possibly observing some hearings and analyzing the THRC budget to insure that training dollars are available. The decision was made to postpone the vote on this matter until the research has been completed. It was suggested that this be placed on the agenda for the November Board meeting with a formal implementation of the selected process by March or April 2005. Mr. Mayer was asked to forward to the Board members information on hearings that could be observed such as date, time and location.

Outreach Plan

Executive Director Gooding presented an update on the Communications activities in the absence of Communications Officer, Cynthia Howard. She outlined the statewide Disability conferences co-sponsored by THRC that were held in Jackson, Memphis, Johnson City, Chattanooga and Nashville during the month of September. It was noted

that Commissioners Hammonds, Smith, Kyles, Hakeem, Wiggins and Garrett made appearances and were thanked for their participation. Executive Director Gooding then played the sample radio spots that feature Commissioner's and will run around the state in the near future. Scripts will be emailed to those who would like to record a spot that will air in their region.

Audit Report

Executive Director Gooding gave an overview of the 5 Audit findings for the 00-03 Budget questions and how the policy and procedures have been adjusted to correct the noted inadequacies. (Audit document attached).

Maureen Abbey, Director of Office of Business and Finance gave a presentation outlining the Shared Services Agreement between THRC and F & A. She also discussed the preparations being done for the 2006 Budget Hearings that begins October 1, 2004. It was noted that the Budget reports will be emailed to the Commissioner's that sit on the Budget & Audit Committee for review. Chairman Wiggins moved to accept the report which was seconded by Commissioner Smith.

Employment Case Report

Deputy Director Antonio Adams reported on Employment case statistical information and the three year EEOC Workshare Agreement that is reviewed yearly. (Report Attached). Commissioner Rodriguez made a motion to accept the report. Commissioner Jones seconded the motion.

Housing Case Report

Housing Coordinator, Robert Bright reported the activity in the area of housing cases. (Report attached). He spoke about settlements received on cause cases, total inventory of cases for the agency and cases involving builders as they relate to ADA issues.

Legal Counsel Report

Cause Cases

Assistant Counsel, Shay Rose reported on the status of current cause cases in THRC inventory.

Proposed Legislation

General Counsel, Scott Mayer introduced five proposed legislation issues that could be presented to the Legislature in January 2005. The discussion issues are Subpoena power, Hearing locations, Religious Reasonable Accommodations, Handicapped Act and Commissioner Attendance. Drafts of the proposed bill and sponsors will be forwarded to Commission members of the Law & Legislation Committee. Commissioner Smith moved to accept the report and Commissioner Hammonds seconded the motion.

With no further business to attend to, Chairman Wiggins called for the board meeting to be adjourned. Commissioner Rodriguez seconded the motion. The meeting was closed at 11:30 am.